

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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RICKEY ELY, Derivatively on Behalf of Nominal	:	Case No. 1:17-cv-03799
Defendant NEWLINK GENETICS CORPORATION,	:	
	:	<u>NOTICE OF PLAINTIFF'S</u>
Plaintiff,	:	<u>UNOPPOSED MOTION FOR</u>
	:	<u>FINAL APPROVAL OF</u>
vs.	:	<u>DERIVATIVE SETTLEMENT</u>
	:	
CHARLES J. LINK, JR., THOMAS A. RAFFIN,	:	
PAUL R. EDICK, PAOLO PUCCI, JOSEPH	:	
SALURI, ERNEST J. TALARICO, III, NICHOLAS	:	
VAHANIAN and LOTA S. ZOTH,	:	
	:	
Defendants,	:	
	:	
and	:	
	:	
	:	
NEWLINK GENETICS CORPORATION,	:	
	:	
Nominal Defendant.	:	
	:	
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TO: All Counsel of Record

PLEASE TAKE NOTICE that on November 2, 2021, at 3:00 p.m., or as soon thereafter as the matter may be heard before the Honorable Alison J. Nathan of the United States District Court for the Southern District of New York, located at the Thurgood Marshall United States Courthouse, 40 Foley Square, New York, New York 10007, plaintiff Rickey Ely ("Plaintiff") will and hereby does move this Court pursuant to Rule 23.1(c) of the Federal Rules of Civil Procedure for an order¹ to finally determine whether: (1) the terms and conditions of the Settlement² are fair, reasonable, and adequate to NewLink Genetics Corporation³ ("NewLink" or

¹ A (Proposed) Final Order and Judgment is filed concurrently herewith.

² The Settlement's terms are set forth in the Stipulation and Agreement of Settlement (the "Stipulation") executed by the Parties on May 21, 2021, filed with the Court on June 3, 2021

the “Company”) and Current Company Shareholders, and should finally be approved by the Court; (2) the Final Judgment finally approving the Settlement, as provided for in ¶ 1.18 of the Stipulation, should be entered; (3) to award the Fee and Expense Amount to Plaintiff’s Counsel, including the Service Award to Plaintiff; and (4) to grant such other relief as the Court may deem necessary and appropriate.

Dated: September 28, 2021

Respectfully submitted,

By: /s/ Joshua M. Lifshitz
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Attorneys for Plaintiff

(Dkt. No. 29). All capitalized terms that are not otherwise defined shall have the same definitions as set forth in the Stipulation.

³ On March 18, 2020, NewLink Genetics Corporation completed a merger with Lumos Pharma, Inc. The combined company assumed the name Lumos Pharma, Inc. and trades on Nasdaq under the symbol “LUMO.”